

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Aztec Peroxides, Inc.
Elyria, Ohio

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

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) **NOTICE OF VIOLATION**
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) **EPA-5-01-OH-08**
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NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Aztec Peroxides, Inc. (Aztec) is violating the Ohio State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On October 31, 1980, U.S. EPA approved Ohio Administrative Code (OAC) Rule 3745-31, permit to install regulations, as part of the federally enforceable SIP for Ohio.
45 Fed. Reg. 72146.
2. OAC Rule 3745-31-02(A)(1) states that no person shall cause, permit, or allow the installation of a new source of air pollutants without first obtaining a permit to install from the director.
3. OAC Rule 3745-31-05(C) states that the director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.
4. 40 C.F.R. § 52.23 states, in part, that failure to comply with any permit condition issued pursuant to approved or promulgated regulations for the review of new or modified stationary sources, renders a person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to an enforcement action under section 113 of the Clean Air Act.

Aztec Peroxides, Inc

5. Aztec owns and operates a liquid organic peroxide manufacturing (LOPM) facility at 555 Garden Street in Elyria, Ohio.
6. As required by the Ohio SIP at OAC 3745-31-02(A)(1), the Ohio Environmental Protection Agency (OEPA) issued Permit to Install number 02-8364 (the PTI) for Aztec's LOPM facility on September 28, 1994.
7. Organic compound (OC) emissions from process vents at Aztec's LOPM facility are subject to limits established in the PTI as allowed by the Ohio SIP at OAC 3745-31-05(D). This includes process vents designated by OEPA as G104 and X107.
8. According to the PTI, OC emissions from process vent G104 are not to exceed 0.1 pound per hour.
9. According to the PTI, OC emissions from process vent X107 are not to exceed 2.69 pounds per hour.

Violations

10. On August 25 and 26, 1997, Aztec conducted a performance test to determine the OC emissions from its LOPM facility.
11. According to the August 25 and 26, 1997, performance test, the emission rate of OC from process vent G104 is 0.1924 pounds per hour.
12. According to the August 25 and 26, 1997, performance test, the emission rate of OC from process vent X107 is 6.17 pounds per hour.
13. Aztec is in violation of the conditions of the PTI because the OC emissions from process vents G104 and X107 exceed the limits established by the permit.

14. According to 40 C.F.R. § 52.23, because it has failed to comply with the conditions of the PTI, Aztec is in violation of the Ohio SIP.

1/26/01
Date

B. Mathur
Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-01-OH-08, by Certified Mail, Return Receipt Requested, to:

Stephen C. Isaacs, Jr., Plant Manager
Aztec Peroxides, Inc.
555 Garden Street
Elyria, Ohio 44035

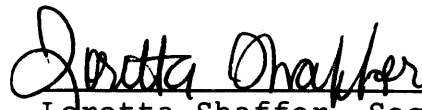
I also certify that I sent a copy of the Notice of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

and

Dennis Bush, APC Supervisor
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087

on the 29th day of January, 2001.


Loretta Shaffer, Secretary
AECAS, (MN/OH)
(312) 353-5723

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9601 3922